

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

DM & Associates Energy, LLC	:	
	:	
Application for Licensure of	:	
Agents, Brokers and Consultants	:	10-0373
under Section 16-115C of the	:	
Public Utilities Act.	:	

PROPOSED ORDER

By the Commission:

I. PRELIMINARY MATTERS

On June 4, 2010, DM & Associates Energy, LLC ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an agent, broker or consultant ("ABC") in Illinois pursuant to Section 16-115C of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 454 ("Part 454"). Applicant requests authority to offer services as an ABC for the procurement or sale of retail electricity supply for third parties in the State of Illinois. The Administrative Law Judge requested additional information and clarification of certain items in the Application. The Applicant failed to file a response to the Administrative Law Judge's ruling.

II. REQUIREMENTS FOR ALL APPLICANTS UNDER SECTION 16-115C OF THE ACT

Applicant is a business organized under the laws of the State of Illinois; and is licensed to transact business in Illinois. Applicant has certified that it will comply with all applicable regulations; that it will comply with informational and reporting requirements established by Commission rule; that it will comply with informational and reporting requirements pursuant to Section 16-115C of the Act; and that it will comply with all other applicable laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an ABC. Applicant has agreed to ensure that any person who acts on its behalf will comply with all applicable sections of Part 454. Applicant agrees that it will remain in compliance with the provisions of the Act and Part 454, and will ensure that authorizations received from customers, and all other applicable records are retained for a period of not less than three calendar years after the calendar year in which they were created. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

III. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115C

Applicant, pursuant to the requirements of Section 454.80 of Part 454, provided a surety bond in the amount of \$5,000 issued by a qualifying surety authorized to transact business in Illinois.

Applicant is required by Part 454.60 to demonstrate that it meets the managerial qualifications necessary to provide services as an ABC. Applicant must further provide an organizational chart that indicates the position of persons which satisfy the managerial qualification. Applicant failed to provide sufficient information to show it has the required managerial qualifications, and also failed to respond to a request for additional information.

Applicant is required by Part 454.70 to demonstrate that it meets the technical qualifications necessary to provide services as an ABC. Applicant failed to provide sufficient information to demonstrate that it meets the technical qualifications set forth in Part 454.70, and failed to respond to a request for additional information.

Applicant further agrees to comply with the Code of Conduct for ABC's contained in Section 454.90.

IV. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and notes that it appears the Applicant has failed to show that it has the necessary managerial and technical qualifications required to receive the requested certification.

The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ABC in Illinois should be denied.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, DM & Associates Energy, LLC, a business organized under the laws of the State of Illinois, seeks a certificate of service authority to operate as an agent, broker or consultant under Section 16-115C of the Act;
- (2) the Commission has jurisdiction over the party hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;

- (4) Applicant has failed to demonstrate that it possesses sufficient financial, managerial or technical resources and abilities to provide services as an agent, broker or consultant for the procurement or sale of retail electricity supply to third parties in the State of Illinois;
- (5) Applicant has failed to comply with Section 16-115C of the Act and Part 454; and
- (6) DM & Associates Energy, LLC is therefore denied a certificate of service authority to operate as an agent, broker or consultant as specified in this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that DM & Associates Energy, LLC is hereby denied a Certificate of Service Authority authorizing it to operate as an agent, broker or consultant.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

Dated: August 3, 2010

Briefs on Exceptions to be filed by August 17, 2010

J. Stephen Yoder
Administrative Law Judge